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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,931	03/10/2004	Jack T. Bevington	067920-1217	4213
36905 7590 03/10/2009 ROETZEL AND ANDRESS 222 SOUTH MAIN STREET AKRON, OH 44308				
EXAMINER SCHEUERMANN, DAVID W				
ART UNIT		PAPER NUMBER		
2834				
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03/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,931

Applicant(s)

BEVINGTON, JACK T.

Examiner

DAVID W. SCHEUERMANN

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☐ Claim(s) 6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 7 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luenberger, US 3135884 in view of Conery et al., US 3704078. Luenberger, US 3135884 shows, except for the bracketed features:

A submersible motor unit for use in driving a pump submerged in a liquid, said motor unit comprising:

a housing member 1;

a stator 2 at least partially enclosed by said housing member;

an inner member 15 at least partially enclosed by said stator, said inner member being disposed in a coaxial relationship with said housing member and forming a rotor chamber;

a rotor 16 at least partially enclosed by said inner member;

a drive shaft 10 to be operatively coupled to said rotor and rotatably supported in said rotor chamber;

a first end wall (3,4) and a second end wall (12,13) each connected with said housing member and said inner member, wherein said first and second end walls cooperate with said inner member and said housing member to form a stator chamber that extends around, and is located radially outward of, said rotor chamber; and

[a capacitor disposed within said stator chamber and insulated from said stator.]

Luenberger, US 3135884 does not expressly disclose, the bracketed features.

Conery et al., US 3704078 discloses a capacitor disposed within said stator chamber and insulated (inherent, to prevent shorting) from said stator for the inherent purpose of placing the capacitor close to the windings to reduce power losses in long power lines . At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to place a capacitor in the stator chamber of the device of Luenberger, US 3135884. One of ordinary skill in the art would have been motivated to do this reduce power losses in long power lines.

Re claim 9, 10 and 12, note bearings 17 and 18, mounted to end walls, in Luenberger, US 3135884 which inherently rotatably support the rotor.

Re claims 11 and 13 note that one would be motivated to keep the leads with the stator housing to provide the shortest route to the stator windings and protect the windings from damage.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Luenberger, US 3135884 and Conery et al., US 3704078 in view of Conrad et al., US 3631275. The combination of Luenberger, US 3135884 and Conery et al., US 3704078 discloses the invention substantially as claimed as set forth in the rejection of claim 6, supra. The combination of Luenberger, US 3135884 and Conery et al., US 3704078 does not expressly disclose, "...further comprising a potting compound that at least partially encloses said capacitor to insulate said capacitor.". Conrad et al., US 3631275 disclose potting a submersible motor capacitor, for the purpose of sealing the device. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to pot the capacitor of the combination of Luenberger, US 3135884 and Conery et al., US 3704078. One of ordinary skill in the art would have been motivated to do this seal the capacitor and prevent corrosion.

Allowable Subject Matter

Claims 1-5 are allowed for the reasons recited in patent application 09621094. Claims 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The limitations of, "... wherein said capacitor is an annular capacitor that

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extends at least partially around said rotor chamber." in combination with the remaining claimed structure is neither found nor fairly suggested in the prior art or any combination thereof as re claim 7.

The following is a statement of reasons for the indication of allowable subject matter: The limitations of, "... wherein said capacitor is an annular capacitor that extends at least partially around said rotor chamber." in combination with the remaining claimed structure is neither found nor fairly suggested in the prior art or any combination thereof.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID W. SCHEUERMANN whose telephone number is (571)272-2035. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached at (571) 272-8188. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quyen Leung/
Supervisory Patent Examiner, Art Unit 2834

dws
March 11, 2009